

# SENATE BILL 14

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0lr0421

(PRE-FILED)

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By: **Senator Muse**

Requested: July 27, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Search Warrant Application – Copy Filed with State’s**  
3 **Attorney**

4 FOR the purpose of requiring a copy of an application for a search warrant to be filed  
5 with the State’s Attorney or a deputy State’s Attorney designated in writing by  
6 the State’s Attorney for the county in which the search warrant is to be served  
7 prior to the execution of the search warrant; and generally relating to search  
8 warrants.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 1–203(a)  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Criminal Procedure**

17 1–203.

18 (a) (1) A circuit court judge or District Court judge may issue forthwith a  
19 search warrant whenever it is made to appear to the judge, by application as described  
20 in paragraph (2) of this subsection, that there is probable cause to believe that:

21 (i) a misdemeanor or felony is being committed by a person or  
22 in a building, apartment, premises, place, or thing within the territorial jurisdiction of  
23 the judge; or

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) property subject to seizure under the criminal laws of the  
2 State is on the person or in or on the building, apartment, premises, place, or thing.

3 (2) (i) An application for a search warrant shall be:

4 1. in writing;

5 2. signed and sworn to by the applicant; and

6 3. accompanied by an affidavit that:

7 A. sets forth the basis for probable cause as described in  
8 paragraph (1) of this subsection; and

9 B. contains facts within the personal knowledge of the  
10 affiant that there is probable cause.

11 (II) A COPY OF AN APPLICATION FOR A SEARCH WARRANT  
12 SHALL BE FILED WITH THE STATE'S ATTORNEY OR A DEPUTY STATE'S  
13 ATTORNEY DESIGNATED IN WRITING BY THE STATE'S ATTORNEY FOR THE  
14 COUNTY IN WHICH THE SEARCH WARRANT IS TO BE SERVED PRIOR TO THE  
15 EXECUTION OF THE SEARCH WARRANT.

16 [(ii)] (III) An application for a search warrant may contain a  
17 request that the search warrant authorize the executing law enforcement officer to  
18 enter the building, apartment, premises, place, or thing to be searched without giving  
19 notice of the officer's authority or purpose, on the grounds that there is reasonable  
20 suspicion to believe that, without the authorization:

21 1. the property subject to seizure may be destroyed,  
22 disposed of, or secreted; or

23 2. the life or safety of the executing officer or another  
24 person may be endangered.

25 (3) The search warrant shall:

26 (i) be directed to a duly constituted police officer, the State Fire  
27 Marshal, or a full-time investigative and inspection assistant of the Office of the State  
28 Fire Marshal and authorize the police officer, the State Fire Marshal, or a full-time  
29 investigative and inspection assistant of the Office of the State Fire Marshal to search  
30 the suspected person, building, apartment, premises, place, or thing and to seize any  
31 property found subject to seizure under the criminal laws of the State;

32 (ii) name or describe, with reasonable particularity:

